

Appl. No. 10/049,719
Amdt dated February 9, 2004
Reply to Office Action of August 8, 2003

REMARKS

Amendments to the claims have been made to comply with examiner concerns, to clarify aspects and correct typographical errors in the claims. The amendments are consistent with the disclosure originally filed. The amendments have also been particularly presented to avoid, where applicable, any admission or estoppel, generally, negatively affecting the scope of protection provided by the disclosure and claims of the present application, and particularly to avoid prosecution history estoppel, limitation of the scope of equivalences, or the like. Claims 1-54 remain in this application.

Rule 56 Obligation

Applicant would like to note that additional information, such as articles cited in the specification, that may be material to patentability but that are not currently available may be subsequently reported to the United States Patent and Trademark Office in a separate paper in compliance with the duty of disclosure under 37 C.F.R. § 1.56.

Claim Objections

The applicant has made amendments, without prejudice, to certain claims per the action's suggestions to correct typographical errors. Accordingly, the applicant has amended claims 2, 17, 18, 24, 27, 28, 35, 36, 40, 44 and 49 to correct typographical errors noted in the action. After review of the claims, the applicant has also amended claims 4-7, 12-15, 19, 21, 30-32, 47 and 48 to correct typographical errors.

Regarding claim 6, "a dispersion value difference of at least 10 ps/nm-km there between" may be clarified as the difference between the dispersion values of the adjacent optical fibers. "There between" pertains to the difference of values between the adjacent optical fibers, not the

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value (10 ps/nm-km) itself. *See* specification text page 23, line 6 through page 24, line 2.

35 U.S.C. § 103 Concerns

The examiner has expressed concerns to the claims under 35 U.S.C. § 103 and cites Mollenauer, U.S. Patent No. 6,532,330 and Chraplyvy, U.S. Patent No. 5,559,920. Prior art, under the statute, may be considered as such when the subject matter as a whole would have been obvious *at the time the invention was made* to a person having ordinary skill in the art. *See* 35 U.S.C. § 103(a). The present invention claims priority to a Korean application filed August 13, 1999. The Mollenauer reference claimed priority to a provisional application filed on November 4, 1999 -- two months *after* the filing of present invention's Korean application. Accordingly, the applicant respectfully requests elimination of the Mollenauer reference from consideration due to the fact that the present invention has an effective filing date before that of the Mollenauer reference.

The action has given certain reasons for allowance of the application. It is noted, however, that it is the claims as a whole and not just the summary provided by the action, which makes the claims allowable.

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CONCLUSION

The applicant having addressed each of the office's concerns raised in the office action respectfully requests reconsideration of the application. Allowance of claims 1-54 is requested at the examiner's earliest convenience. In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (970) 224-3100.

Dated this 9th day of February, 2004.

Respectfully submitted,

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